

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

TAD SCHLATRE, et al.

Plaintiff(s),

vs.

MARATHON DIGITAL HOLDINGS,  
INC., et al.,

Defendant(s).

Case # 2:21-cv-02209-RFB-NJK

**VERIFIED PETITION FOR  
PERMISSION TO PRACTICE  
IN THIS CASE ONLY BY  
ATTORNEY NOT ADMITTED  
TO THE BAR OF THIS COURT  
AND DESIGNATION OF  
LOCAL COUNSEL**

FILING FEE IS \$250.00

Francis P. McConville, Petitioner, respectfully represents to the Court:  
(name of petitioner)

1. That Petitioner is an attorney at law and a member of the law firm of

Labaton Sucharow LLP

(firm name)

with offices at 140 Broadway,  
(street address)

New York, New York, 10005,  
(city) (state) (zip code)

(212) 907-0700, fmcconville@labaton.com,  
(area code + telephone number) (Email address)

2. That Petitioner has been retained personally or as a member of the law firm by

Evan Dana to provide legal representation in connection with  
[client(s)]

the above-entitled case now pending before this Court.

3. That since July 14, 2009, Petitioner has been and presently is a  
 (date)  
 member in good standing of the bar of the highest Court of the State of New York  
 (state)  
 where Petitioner regularly practices law. Petitioner shall attach a certificate from the state bar or  
 from the clerk of the supreme court or highest admitting court of each state, territory, or insular  
 possession of the United States in which the applicant has been admitted to practice law certifying  
 the applicant's membership therein is in good standing.

4. That Petitioner was admitted to practice before the following United States District  
 Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts  
 of other States on the dates indicated for each, and that Petitioner is presently a member in good  
 standing of the bars of said Courts.

Court	Date Admitted	Bar Number
<u>District of Colorado</u>	<u>June 6, 2014</u>	<u>n/a</u>
<u>Eastern District of Michigan</u>	<u>September 17, 2014</u>	<u>n/a</u>
<u>Eastern District of New York</u>	<u>February 29, 2012</u>	<u>n/a</u>
<u>Western District of New York</u>	<u>July 1, 2021</u>	<u>n/a</u>
<u>Southern District of New York</u>	<u>February 10, 2012</u>	<u>FM4233</u>
<u></u>	<u></u>	<u></u>
<u></u>	<u></u>	<u></u>

5. That there are or have been no disciplinary proceedings instituted against petitioner,  
 nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory  
 or administrative body, or any resignation or termination in order to avoid disciplinary or  
 disbarment proceedings, except as described in detail below:

none

6. That Petitioner has never been denied admission to the State Bar of Nevada. (Give particulars if ever denied admission):

none

7. That Petitioner is a member of good standing in the following Bar Associations.

none.

8. Petitioner has filed application(s) to appear as counsel under Local Rule IA 11-2 (formerly LR IA 10-2) during the past three (3) years in the following matters: (State "none" if no applications.)

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied
	None		

(If necessary, please attach a statement of additional applications)


9. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada.

10. Petitioner agrees to comply with the standards of professional conduct required of the members of the bar of this court.


11. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

That Petitioner respectfully prays that Petitioner be admitted to practice before this Court  
FOR THE PURPOSES OF THIS CASE ONLY.

STATE OF NEW YORK )  
COUNTY OF NEW YORK )

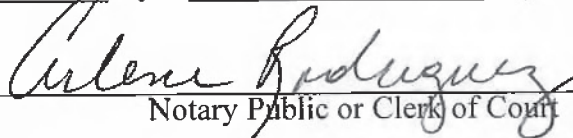
  
\_\_\_\_\_  
Petitioner's signature

Francis P. McConville, Petitioner, being first duly sworn, deposes and says:  
That the foregoing statements are true.

  
\_\_\_\_\_  
Petitioner's signature

Subscribed and sworn to before me this

7th day of September, 2022.

  
\_\_\_\_\_  
Notary Public or Clerk of Court

ARLENE RODRIGUEZ  
Notary Public, State of New York  
No. 01RO6180571  
Qualified in New York County  
Commission Expires 01/14/2024

**DESIGNATION OF RESIDENT ATTORNEY ADMITTED TO  
THE BAR OF THIS COURT AND CONSENT THERETO.**

Pursuant to the requirements of the Local Rules of Practice for this Court, the Petitioner  
believes it to be in the best interests of the client(s) to designate Don Springmeyer,  
(name of local counsel)  
Attorney at Law, member of the State of Nevada and previously admitted to practice before the  
above-entitled Court as associate resident counsel in this action. The address and email address of  
said designated Nevada counsel is:

Kemp Jones LLP, 3800 Howard Hughes Parkway,  
(street address)  
Las Vegas, Nevada, 89169,  
(city) (state) (zip code)  
702-385-6000, d.springmeyer@kempjones.com,  
(area code + telephone number) (Email address)

By this designation the petitioner and undersigned party(ies) agree that this designation constitutes agreement and authorization for the designated resident admitted counsel to sign stipulations binding on all of us.

### APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL

The undersigned party(ies) appoint(s) Don Springmeyer as  
(name of local counsel)  
his/her/their Designated Resident Nevada Counsel in this case.

DocuSigned by:  
Evan Dana  
769D4B7C3B88493...  
(party's signature)

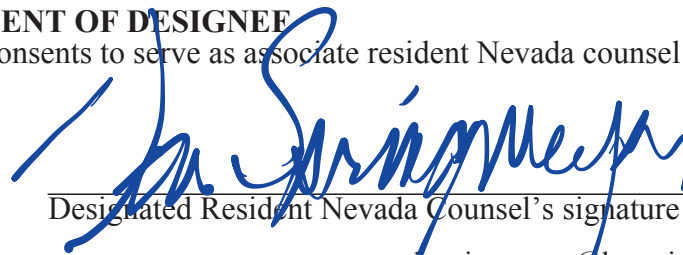
Evan Dana, Movant  
(type or print party name, title)

\_\_\_\_\_  
(party's signature)

\_\_\_\_\_  
(type or print party name, title)

### CONSENT OF DESIGNEE

The undersigned hereby consents to serve as associate resident Nevada counsel in this case.

  
Designated Resident Nevada Counsel's signature  
SBN 1021 d.springmeyer@kempjones.com  
Bar number Email address

APPROVED:

Dated: this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

## **Exhibit A**



*Appellate Division of the Supreme Court  
of the State of New York  
First Judicial Department*

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*I, Susanna M. Rojas, Clerk of the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, do hereby certify that*

*Francis Paul Mcconville*

*was duly licensed and admitted to practice as an Attorney and Counselor at Law in all the courts of this State on July 13, 2009, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors at Law on file in this office, is duly registered with the Administration Office of the Courts, and according to the records of this Court is currently in good standing as an Attorney and Counselor-at-Law.*

*In Witness Whereof, I have hereunto set  
my hand in the City of New York on  
June 9, 2022.*



*Susanna M. Rojas*

*Clerk of the Court*